

ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. C-1-00-637
v.)	
)	
DANIEL GREEN, L.W.G. CO.,)	
INC. f/k/a GREEN INDUSTRIES)	Judge Susan J. Dlott
INC., THE ESTATE OF MAURICE GREEN)	
and DANIEL GREEN IN HIS CAPACITY AS)	
THE PERSONAL REPRESENTATIVE OF THE)	
ESTATE OF MAURICE GREEN,)	
)	
Defendants)	
and)	
)	
SAUNDRA GREEN, wife of)	
DEFENDANT DANIEL GREEN,)	
)	
Rule 19 Defendant.)	

* * * * *

MOTION TO CONTINUE TRIAL DATE

Rule 19 Defendant Omni Industrial Properties, Inc. ("Omni") moves the Court to continue the trial of this matter. Grounds for this Motion are set forth below.

Pursuant to the Notice filed in this case on June 15, 2007, the final pretrial conference is scheduled for July 18, 2007 and the trial is scheduled to begin on August 13, 2007. At present, the owner and designated representative of Omni, Sam Green, and his wife are expecting the birth of a child in August. The Greens reside in Denver, Colorado and would obviously prefer to not have Mr. Green in Cincinnati during such a critical time. Further, the parties have a number of pretrial filings that will be due prior to trial and a brief continuance will permit greater efficiencies in organizing the trial. Due to these facts, Omni requests a brief continuance of the

final pretrial and trial. In communication with the Court's chambers, counsel was advised that October 19, 2007 and November 2, 2007 might be available for a final pretrial and December 3, 2007 and December 10, 2007 might be available for trial. The parties are available for those dates, if the Court is agreeable to continuing the current dates. Omni has spoken to opposing counsel who does not oppose the Motion.

For the reasons stated herein, Omni moves the Court to continue the pretrial conference and the trial.

Respectfully submitted,

/s/ David A. Owen

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COUNSEL FOR THIRD PARTY DEFENDANT
OMNI INDUSTRIAL PROPERTIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of June, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following: Gerald Francis Kaminski (Gerald.kaminski@usdoj.gov); David J. Schmitt (djs@corsbassett.com); and Jeffrey A. Spector (Jeffrey.Spector@usdoj.gov).

I further certify that I mailed the foregoing document and the notice of electronic filing by first class mail to the following non-CM/ECF participants:

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